

// A special meeting of the Council of the City of Lynchburg, recessed from June 30, was held on the 12th day of July, 2005, at 1:00 P.M., Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Foster, Helgeson, Seiffert, Hutcherson 5

Absent: Gillette, Johnson 2

// Planning Commission Chair Wayne Dahlgren provided an overview regarding the Planning Commission's annual report delineating its activities for fiscal year ending June 30, 2005. Mr. Dahlgren highlighted several important areas for fiscal year 2006, i.e., the Midtown and Fifth Street areas and also the City's landscaping ordinance. In response to Council questioning, Mr. Dahlgren stated that the Citizens Monitoring Committee, which is appointed by the Planning Commission, recommended that the City begin implementing the portion of the Comprehensive Plan that addresses landscaping, and that it was the Planning Commission's decision to begin looking into changes in the City's 30-year-old landscaping ordinance.

// Council Member Gillette arrived at 1:10 p.m. during Agenda Item #1.

// Virginia First Cities Executive Director Neal Barber provided an update regarding the Coalition's accomplishments as well as short term challenges and long term issues that the Coalition will be addressing in the future.

// Council Member Johnson arrived at 2:15 p.m.

// Public Works Engineer James Talian, Project Manager, along with representatives from Carter Goble Associates, Inc. and Craddock Cunningham Architectural Partners provided an update regarding the City of Lynchburg Justice Facilities Master Plan, stating that the immediate recommendation of the Master Plan is to construct a new Juvenile and Domestic Relations Court facility due to the extreme inadequacy of the current facility. Mr. Talian explained that the site proposed for a new facility is on Court Street between the existing Public Safety Building and the School Administration Building. It was explained that since 1999, funding has been planned in the Capital Improvement Program for this effort, but that cost escalations have caused a considerable increase in construction cost estimates, and that although a facility could be constructed within the current budget amount, such a facility would leave out the Court Services component which would create an inefficient operating condition for many years into the future. City Manager Kimball Payne stated that staff would continue to move forward with the project.

// During roll call, Council Member Helgeson expressed concern regarding the efforts of a local business in the Lynchburg College area seeking to obtain an ABC license. Council Member Johnson informed of an overgrown lot at 1112 Fifth Street. Council Member Dodson requested an update regarding the regional Airport Authority, and the status of the joint Airport Commerce Park. Mr. Dodson also expressed appreciation in receiving a printed copy of the Changing Times and distributed invitations to the grand opening of the City's new Boys and Girls Club. Vice Mayor Foster requested a status report regarding the Skate park which is scheduled to be completed in the Fall. Mayor Hutcherson reminded Council regarding

the National Night Out scheduled for August 2, and informed regarding the funeral services of School Board Member Jean Turner-Smith.

// On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, to consider the disposition of publicly held real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, for consultation with legal counsel regarding potential litigation because consultation in an open meeting would adversely affect the negotiating or litigating posture of the City, and for consultation with legal counsel concerning a specific legal matter which requires the provision of legal advice pursuant to Section 2.2-3711(A)(1), (3) and (7), respectively, of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Johnson, Council by the following recorded vote appointed Kathy Banks to serve on the School Board for a term to expire June 30, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Johnson, Council by the following recorded vote appointed Council Member Bert Dodson to serve on the Parking Authority for a term to expire October 30, 2006:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

July 12, 2005

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On nomination of Council Member Johnson, Council by the following recorded vote appointed Council Member Michael Gillette to serve on the Parking Authority for a term to expire October 30, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Johnson, Council by the following recorded vote appointed Terri L. Proffitt to serve on the Parking Authority for a term to expire October 30, 2010:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Johnson, Council by the following recorded vote appointed Tom Gerdy to serve on the Parking Authority for a term to expire October 30, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Johnson, Council by the following recorded vote appointed Dennis Howard to serve on the Parking Authority for a term to expire October 30, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was adjourned at 5:20 p.m.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of July, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Gillette gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the June 23, 28 (two meetings) and 30, 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Council, Resolution #R-05-079 amending the FY 2006 General Fund Budget and appropriating \$100,000, with resources from the unexpended balance of the FY 2005 General Fund Reserve for Contingencies, to facilitate the establishment of a Community Action Network as part of the Healthy Neighborhoods Initiative, laid over from the June 28, 2005 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Budget, Resolution #R-05-080 amending the FY 2006 General Fund Budget and appropriating \$500,000, with resources of \$500,000 from the unexpended balance of the FY 2005 General Fund Reserve for Contingencies, to be used for FY 2006 compensation adjustments and to establish a Compensation Reserve, laid over from the June 28, 2005 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, City Council Report #4 was considered. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-083, as presented, amending the FY 2006 City/Federal/State Aid Fund Budget and appropriating \$3,000, fully reimbursable, to provide overtime to effectively carry out selective enforcement activities and investigations:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire – General/Emergency Communications, City Council Report #4A was considered. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-084, as presented, amending the FY 2006 General Fund Operating Budget and appropriating \$129,969, with resources of \$129,969, to replace 90 portable radios for public safety use:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Public Works – Wastewater Treatment Plant, City Council Report #4B was considered. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-085, as presented, amending the FY 2006 Sewer Capital Projects Fund and appropriating \$273,600, fully reimbursable, for preparation of a Basis of Design Report and Interim Optimization Plan for Nutrient Removal for the Wastewater Treatment Plant:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Housing Authority, a public hearing was held regarding City Council Report #5 regarding a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 1402 Fillmore Street under Section 36-19.5 of the Code of Virginia. Ms. Connie Snavelly provided a brief overview of the request and asked for Council approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted #R-05-086, as presented, approving the request of the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 1402 Fillmore Street under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #6 outlining the petition of Lynchburg College for a Conditional Use Permit to amend the Master Development Plan to allow college supervised student housing at 214 Bell Street, 404, 428 Lakewood Street and 185, 307 Vernon Street in an R-2, Low-Medium Density Single-Family Residential District. City Planner Tom Martin provided a brief summary of the request. Mr. John Lewis, Lynchburg College Business Manager, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed.  
On

motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-087, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #7 outlining the petition of Gantt Investment Corporation to rezone approximately 4.5 acres from R-1, Low Density Single-Family Residential District to R-3, Medium Density Two-Family Residential District and for a Conditional Use Permit for property fronting Ivy Creek Lane also know as Valuation Map Number 218-11-003 to allow the construction of a 22 unit town home complex. City Planner Tom Martin provided a brief summary of the request and stated that a proffer that was submitted by the petitioner and which was approved by the Planning Commission regarding the donation of property to the City for use as a buffer zone was inadvertently left out of the proposed ordinance. Mr. Joe Gantt outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #0-05-088, as amended to incorporate condition #8 to reflect the donation of property to the City for use as a buffer zone, and adopted Resolution #R-05-089, as presented, granting the petition and Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Property, a public hearing was held regarding City Council Report #8 regarding the conveyance of 0.7460 acre of City-owned property at 4931 Boonsboro Road to Alexis V. Richards. City Manager Kimball Payne provided a brief summary of the request. Mr. Alexis Richards outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Mr. Richards stated that he has agreed to remove and dispose of the water tower at an estimated cost of \$40,000. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-090, as presented, conveying 0.7460 acre of City-owned property at 4931 Boonsboro Road to Alexis V. Richards:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of City Code/Commissioner of the Revenue, a public hearing was held regarding City Council Report #9 regarding the adoption of an ordinance amending the City Code for

proposed changes to the vehicle license fee process and billing periods for personal property, business personal property and machinery and tool taxes. City Manager Kimball Payne along with Assistant Director of Financial Services Donna Witt and Commissioner of the Revenue Mitch Nuckles provided a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Several Council Members requested that the City provide plenty of notice to the citizens and businesses regarding these changes prior to the January 1, 2006, implementation date. On motion of Vice Mayor Foster, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #O-05-091, as presented, amending the City Code for proposed changes to the vehicle license fee process and billing periods for personal property, business personal property and machinery and tool taxes:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning – Historic Districts, City Council Report #10 regarding designating all properties fronting on the 1300 and 1400 blocks of Pierce Street and including the properties known as 1518 and 1600 Fourteenth Street as a local Historic District (HD) area to be known as the Pierce Street Renaissance Historic District was considered. Council Members Johnson and Helgeson stated that they would not support the request since it was not initiated by the Pierce Street residents and because of the opposition expressed to each of them when they visited with residents of the neighborhood. Council Member Gillette expressed concern that there was not a two-thirds majority of the property owners in support of the request. Other Council Members spoke in support of the request citing the historical importance of the area, that many of the leading figures of the Harlem Renaissance visited the area, and that a majority of the property owners were in favor of the historic designation. Following discussion, and on motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #O-05-092, as presented, establishing a local Historic Zoning District area to be known as the Pierce Street Renaissance Historic District:

Ayes: Dodson, Foster, Seiffert, Hutcherson

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Noes: Gillette, Helgeson, Johnson

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// In the matter of City Code, City Council Report #11 was considered. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-05-093, as presented, amending the City Code regarding operations at the City Cemetery:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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July 12, 2005

// In the matter of Public Works – General, City Council Report #12 was considered. On motion of Council Member Seiffert, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-05-094, as presented, supporting an application for an allocation of \$1,000,000 through the Virginia Department of Transportation (VDOT) Revenue Sharing Program:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// The meeting was recessed at 8:54 P.M. to July 19, at 7:00 P.M., to receive the Mid-Town Plan presentation.

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Clerk of Council



// A special meeting of the Council of the City of Lynchburg, recessed from July 12, was held on the 19th day of July, 2005, at 7:00 P.M., Council Chambers, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was for City Council and the Planning Commission to receive the results of the Midtown Plan. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Absent:

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// Representatives from Dover, Kolh & Partners presented the results of a study conducted of the Midtown area, which is bounded by the Martin Luther King, Jr. Memorial Bridge to the east, Fort Avenue to the south, the Lakeside Drive entrance to Lynchburg College to the west, and the Blackwater Creek Trail to the north. Mr. Victor Dover presented an overview regarding the four main ideas in the Plan, and stated the need for a renewed confidence in Midtown. Mr. Dover went on to say that reaching a new, pedestrian-friendly, tree-lined network of streets would require business and government leaders to unify, for smaller businesses to take risks, and for the City to make a financial investment in the area. Mr. Dover explained that in order for the Plan to work, the City will need to develop "form-based codes," which would replace zoning ordinances and put an emphasis on how a building looks and where it is situated on a parcel of land rather than what it is used for, develop an economic development "pilot" program, inviting businesses to propose model projects for the area, purchase more "greenspace" over at least the next five years to make the Blackwater Creek Trail more included in Midtown, and continue historic preservation efforts. Mr. Dover also addressed a recent controversial rezoning matter regarding a request to build a Walgreens store on part of an apartment complex at the corner of Langhorne and Murrell Roads, and stated that the spot they have chosen would not be the best spot for the store and that City Council should rezone land very selectively. Mr. Dover also noted that the Plan recommends relocating the Greater Lynchburg Transit Company's bus transfer station from its Plaza location to perhaps into the Kemper Street station. After the presentation, several Council Members commented that the Midtown Plan should not detract or take away from what the City is currently doing in the Downtown area. Some Council Members commented that they would like to see continued dialogue with the stakeholders and for the process to move forward to include the Midtown Plan in the Comprehensive Plan. Council Member Helgeson stated that due to the complexity of the Plan, that maybe City Council should discuss the Plan further at the upcoming Council retreat.

// The meeting was recessed at 9:05 p.m. to August 9, 1:00 p.m., to conduct a work session regarding several items.

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Clerk of Council